



PATENT
Attorney Docket: P00245USG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ARNTZEN et al.
SERIAL NO : 09/925,990
FILED : August 9, 2001
TITLE : VACCINES EXPRESSED IN PLANTS

RECEIVED
MAR 10 2004

Grp./A.U. : 1645
Examiner : ZEMAN, Robert A.
Conf. No. : 5525
Docket No. : P00245USG

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A
PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

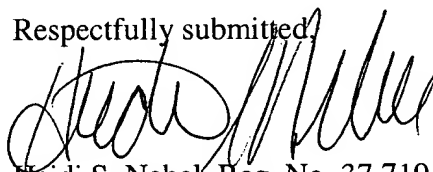
The owner, Prodigene, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Nos. 09/918,937, filed on July 31, 2001 and 09/816,846, filed on March 23, 2001. The owner hereby agrees that any patent so granted on the instant applications shall be enforceable only for and during such period that it and any patent granted on these applications are commonly owned. This agreement runs with any patent granted on the instant applications and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

A check in the amount of \$55.00 for a small entity to cover the fee for a terminal disclaimer under 37 CFR 1.20(d) is included. Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719
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Attorneys of Record



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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, Prodigene, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,034,298. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

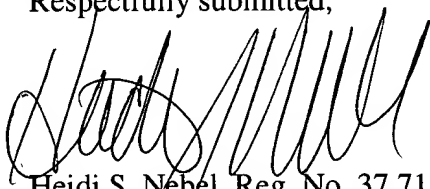
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Enclosed is our check in the amount of \$55.00 to cover the fee for a terminal disclaimer under 37 CFR 1.20(d). Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi S. Nebel', written over a series of horizontal lines.

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